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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------------|------------------|
| 10/771,978 | 02/04/2004 | Kiyokazu Ohtaki | 27,561 USA | 3581 |
| 23307 | 7590 | 12/20/2005 | | |
| SYNNESTVEDT & LECHNER, LLP 2600 ARAMARK TOWER 1101 MARKET STREET PHILADELPHIA, PA 191072950. | | | EXAMINER GALL, LLOYD A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3676 | |

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/771,978 | Applicant(s) OHTAKI ET AL. | |
| | Examiner Lloyd A. Gall | Art Unit 3676 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4,6-11,14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,12,13,15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>03/30/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's election without traverse of the species of figs. 1-3 in the reply filed on October 17, 2005 is acknowledged.

Claims 4, 6-11, 14 and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 17, 2005.

The disclosure is objected to because of the following informalities: On page 11, line 14, the subject matter in brackets is not clear as to whether the brackets are being used to cancel the line or not. See also page 12, line 9. On page 11, line 20, "51" should read --50--.

Appropriate correction is required.

Claims 1-3, 5, 12, 13, 15 and 17 are objected to because of the following informalities: In independent claims 1, 12 and 13, it is not clear whether the switch device is being claimed in combination with a vehicle and an engine, or if the vehicle and engine are only being claimed inferentially. Appropriate correction is required.

In view of the above claim objections, the claims are rejected as best understood, on prior art, as follows. The claims are currently assumed to be only inferentially claiming a vehicle and an engine.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3 and 12 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Okamura et al (983).

Okamura et al teaches a switch which is capable of actuating an engine and capable of use with a vehicle, including a key cylinder 7 having a key slot 9, a push button slidable portion 3 for actuating a push button 29a of a switch 29, the push button 29a and switch 29 surrounding the key slot 9, the push button slide 3 having a central portion through which a hole extends to receive the cylinder 7.

Claims 1 and 12 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Tamukai (991).

Tamukai teaches a switch device which is capable of actuating an engine and capable of use with a vehicle, including a key cylinder 20 having a key slot, a push button slidable portion 24 which slides and actuates a switch 52, which switch is used in the

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operation of starting an engine (it is also noted that a direct starting of a vehicle engine is not being claimed), the key slot being arranged in the push button slidable portion 24.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura et al in view of Tibbetts.

Tibbetts teaches that it is well known to provide a switch with a rotor 11' flush with a push button slidable portion 11, as seen in fig. 1. It would have been obvious to modify the switch of Okamura such that the rotor 7 is flush with the push button slidable portion 3, in view of the teaching of Tibbetts, the motivation being that the separate additional covers 8 of Okamura would not be required, as a cost savings measure and to simplify assembly.

Claims 2, 13, 15 and 17 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamukai in view of Goto et al (295).

Tamukai also teaches a communicating means 54 cooperating with an electronic key 56. Goto teaches that it is well known in the engine switch art to utilize a transponder 2 of a key with an antenna coil 4. It would have been obvious to modify the elements 54, 56 of Tamukai to include an antenna coil and a key transponder, in view of the teaching of Goto et al, the motivation being to optimize the security of the lock.

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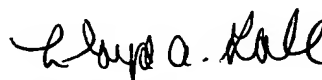
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
December 14, 2005


Lloyd A. Gall
Primary Examiner